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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,017	12/01/2003	Mike Ursell	60,340-047	3155

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EXAMINER

MILLER, BENA B

ART UNIT PAPER NUMBER

3725

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/725,017

Applicant(s)

URSELL ET AL.

Examiner

Bena Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-12,14,16 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 is/are allowed.
- 6) ☒ Claim(s) 1-3,5-12,14,16,18-20, 22-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Bena B. Miller

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/11/05.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 23 are finally rejected under 35 U.S.C. 102(b) as being anticipated by Derecktor (US Patent No. 5,836,365).

Derecktor teaches in the figures portable work stand assembly comprising a pair of spaced support members (42,46), a pair of support brackets (26), a first pair and second pair of support legs (24). It should be noted that the Examiner takes the position that the support members of Derecktor are independent.

Regarding claim 23, Derecktor further teaches a locking device (70,74).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3 and 5 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Derecktor in view of Vacchiano (US Patent No. 4,860,807).

Derecktor teaches in the figures most of the elements of the claimed invention, except a wheel assembly. Vacchiano teaches in the figures saw mounting stand having a wheel assembly 62 attached thereto to transfer the workbench from one location to another. It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply a wheel assembly as taught by Vacchiao to the stand of Derecktor for the purpose of transferring the workbench from one location to another. It should be noted the Examiner takes the position that the wheel sub-assembly of Vacchial is "capable" performing the claimed function recited in claim 3.

Claims 14, 16, 17-20, 22 and 24 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Derecktor in view of Pedri (US Patent No. 5,526,856) or Ayala et al (5,988,243).

Derecktor teaches in the figures most of the elements of the claimed invention including hollow support members (fig.3). However, Derecktor fails to teach a work-piece support including a horizontal guide, adjustment mechanism, a work piece stop and fastener. Pedri teaches in the figures an apparatus of support a work piece including a work piece support as 14 which includes a horizontal guide, an adjustment mechanism, a work piece stop (combination of 20, 22 and 24) and fastener (20 and 22) as shown in figure 1 (Note: col. 2, lines 56-62 and col. 3, par. 1 and 2). Ayala et al teaches in the figures an apparatus of support a work piece including a work piece support as 74 and 74a which includes a horizontal guide, an adjustment mechanism, a work piece stop (73) and fastener (75) as shown in figure 1. It would have been obvious to one having ordinary skill in the art at the time invention was made to incorporate a work piece

support as suggested by Pedri or Ayala et al in the assembly of Derecktor for the adjusting a work piece at different height.

Derecktor teaches in the figures most of the elements of the claimed invention except for a clamping device. Ayala et al teaches in the figures work bench a support bar 74 adjustably clamped to support member 11 via clamping device 71,72). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a clamping device as taught by Ayala with the assembly of Derecktor for the purpose of allowing one to adjust a work piece.

Derecktor teaches in the figures most of the elements of the claimed invention except for a work piece support including a ramp. Pedri teaches in the figures workbench having a work piece support including a ramp (38). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a work piece support including a ramp as taught by Pedri in the assembly of Derecktor for the purpose supporting a work piece.

Claims 1, 6-10 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (US Patent No. 5,722,472) in view of Derecktor (US Patent No. 5,836,365).

Wang teaches in the figures most of the elements of the claim invention including a pair of transverse rail assemblies (32,36), a pair of brackets (37) and a clamping device that is oriented to clamp the support members horizontally therebetween in a direction parallel to a plane containing the support members as seen in figure 1. However, Wang fails to teach a first and second pair of legs pivotally connected to support brackets. Derecktor teaches in the figures a workbench having a first and second pair of legs (24) pivotally connected to support brackets

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(26). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate pivotally connected legs as taught by Derecktor to the assembly of Wang for the purpose of mounting the legs to the workbench and storing when not in use. Further, these claims do not appear to contain any additional features, which in combination with the features to any claim to which they refer, add anything novel. As such, it would have been an obvious design choice to one having ordinary skill in the art to add any of the claimed features to the prior art device.

Claims 1, 6-9, 11 and 12 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Estrem (US Patent Re. 35,627) in view of Derecktor (US Patent No. 5,836,365).

Wang teaches in the figures most of the elements of the claim invention including a pair of transverse rail assemblies (18,20), a pair of brackets (62) and a clamping device that is oriented to clamp the support members horizontally therebetween in a direction parallel to a plane containing the support members (fig. 1 and 64). However, Estrem fails to teach a first and second pair of legs pivotally connected to support brackets. Derecktor teaches in the figures a workbench having a first and second pair of legs (24) pivotally connected to support brackets (26). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate pivotally connected legs as taught by Derecktor to the assembly of Estrem for the purpose of mounting the legs to the workbench and storing when not in use. Further, these claims do not appear to contain any additional features, which in combination with the features to any claim to which they refer, add anything novel. As such, it would have been

an obvious design choice to one having ordinary skill in the art to add any of the claimed features to the prior art device.

Allowable Subject Matter

Claim 21 is allowed.

Response to Arguments

Applicant's arguments filed 10/11/05 have been fully considered but they are not persuasive. Applicant's attention is directed to the above rejection.

Conclusion

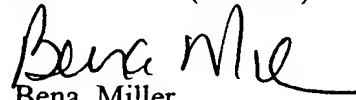
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bena Miller whose telephone number is 571.272.4427. The examiner can normally be reached on Monday-Friday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Bena Miller
Primary Examiner
Art Unit 3725

bbm
January 08, 2006